

BV2005-015

**SEMINOLE COUNTY GOVERNMENT
BOARD OF ADJUSTMENT
AGENDA MEMORANDUM**

SUBJECT: REQUEST FOR MINIMUM SIDE YARD SETBACK VARIANCE FROM 15 FEET TO 11.6 FEET FOR AN EXISTING FENCE IN THE PUD (PLANNED UNIT DEVELOPMENT DISTRICT); (BRUCE BOLTON, APPLICANT).

DEPARTMENT: Planning & Development **DIVISION:** Planning

AUTHORIZED BY: Earnest McDonald **CONTACT:** Kathy Fall **EXT.** 7389

Agenda Date 03-28-05 **Regular** ☒ **Consent** ☐ **Public Hearing – 6:00** ☒

MOTION/RECOMMENDATION:

1. **APPROVE** THE REQUEST FOR MINIMUM SIDE YARD SETBACK VARIANCE FROM 15 FEET TO 11.6 FEET FOR AN EXISTING FENCE IN THE PUD (PLANNED UNIT DEVELOPMENT DISTRICT); (BRUCE BOLTON, APPLICANT); OR
2. **DENY** THE REQUEST FOR MINIMUM SIDE YARD SETBACK VARIANCE FROM 15 FEET TO 11.6 FEET FOR AN EXISTING FENCE IN THE PUD (PLANNED UNIT DEVELOPMENT DISTRICT); (BRUCE BOLTON, APPLICANT); OR
3. **CONTINUE** THE REQUEST TO A TIME AND DATE CERTAIN.

GENERAL INFORMATION	APPLICANT: BRUCE BOLTON LOCATION: 2891 EGRETS LANDING DRIVE ZONING: PUD (EGRETS LANDING)
BACKGROUND/REQUEST	<ul style="list-style-type: none">• THE APPLICANT CONSTRUCTED A FENCE, WITHOUT A PERMIT, THAT ENCROACHES 3.4 FEET INTO THE MINIMUM SIDE STREET SETBACK.• THE HAVE BEEN NO PRIOR VARIANCES GRANTED TO THIS PROPERTY.
STAFF FINDINGS	<ul style="list-style-type: none">• THE APPLICANT HAS FAILED TO DEMONSTRATE A HARDSHIP, BASED ON THE STANDARDS FOR GRANTING VARIANCES.• THE REQUEST WOULD CONFER ON THE APPLICANT SPECIAL PRIVILEGES THAT WOULD BE DENIED TO OTHER LANDS IN THE EGRETS LANDING PUD BY ALLOWING ENCROACHMENT INTO THE SIDE STREET

	<p>SETBACK THAT EXCEEDS THE LIMITS OF NEIGHBORHOOD DEVELOPMENT TRENDS.</p> <ul style="list-style-type: none">• THE APPLICANT WOULD RETAIN REASONABLE USE OF THE PROPERTY WITHOUT THE GRANTING OF A VARIANCE.
STAFF RECOMMENDATION	<p>STAFF RECOMMENDS THE BOARD OF ADJUSTMENT DENY THE VARIANCE REQUEST UNLESS THE APPLICANT CAN DEMONSTRATE A HARDSHIP. IF THE BOARD SHOULD DECIDE TO GRANT A VARIANCE, STAFF RECOMMENDS THE FOLLOWING CONDITIONS:</p> <ul style="list-style-type: none">• ANY VARIANCE GRANTED SHOULD APPLY ONLY TO THE EXISTING FENCE AS DEPICTED ON THE ATTACHED SITE PLAN.• ANY ADDITIONAL CONDITION(S) DEEMED APPROPRIATE BY THE BOARD, BASED ON INFORMATION PRESENTED AT THE PUBLIC HEARING.



SEMINOLE COUNTY PLANNING & DEVELOPMENT DEPARTMENT
PLANNING DIVISION
1101 EAST FIRST STREET (ROOM 228)
SANFORD, FL 32771
(407) 665-7444 PHONE (407) 665-7385 FAX

COPY

APPL. NO. BV 2005-015

APPLICATION TO THE SEMINOLE COUNTY BOARD OF ADJUSTMENT

Applications to the Seminole County Board of Adjustment shall include all applicable items listed in the Board of Adjustment Process Checklist. No application will be scheduled for Board of Adjustment consideration until a complete application (including all information requested below) has been received by the Planning & Development Department, Planning Division. Applications for SPECIAL EXCEPTION shall only be received for processing following pre-application conference.

APPLICATION TYPE:

☐ **VARIANCE** Side Yard From 15 FT To 11 1/2 FT For Fence.
per Commitment Card

☐ **SPECIAL EXCEPTION**

☐ **MOBILE HOME SPECIAL EXCEPTION**

☐ EXISTING (YEAR _____) ☐ PROPOSED (YEAR _____)

☐ REPLACEMENT (YEAR _____) SIZE OF MOBILE HOME _____

ANTICIPATED TIME MOBILE HOME IS NEEDED _____

PLAN TO BUILD ☐ YES ☐ NO IF SO, WHEN _____

MEDICAL HARDSHIP ☐ YES (LETTER FROM DOCTOR REQUIRED) ☐ NO

☐ **APPEAL FROM DECISION OF THE PLANNING MANAGER**

RECEIVED
FEB 04 2005

PROPERTY OWNER		AUTHORIZED AGENT *
NAME	<u>Bruce Bolton</u>	
ADDRESS	<u>2891 Egrets Landing Dr.</u>	
	<u>Lake Mary, FL 32746</u>	
PHONE 1	<u>407-330-2541</u>	
PHONE 2	<u>407-297-8901</u>	
E-MAIL		

PROJECT NAME: Fence

SITE ADDRESS: 2891 Egrets Landing Dr Lake Mary, FL 32746

CURRENT USE OF PROPERTY: Residence

LEGAL DESCRIPTION: Lot 90 Egrets Landing PB 54 PGS 96 Thru 99

SIZE OF PROPERTY: _____ acre(s) PARCEL I.D. 03 20 30 5PB 0000 0900

UTILITIES: ☒ WATER ☐ WELL ☐ SEWER ☐ SEPTIC TANK ☐ OTHER _____

KNOWN CODE ENFORCEMENT VIOLATIONS Yes

IS PROPERTY ACCESSIBLE FOR INSPECTION ☒ YES ☐ NO

This request will be considered at the Board of Adjustment regular meeting on 3, 23, 05
(mo/day/yr), in the Board Chambers (Room 1028) at 6:00 p.m. on the first floor of the Seminole County Services Building, located at 1101 East First Street in downtown Sanford, FL.

I hereby affirm that all statements, proposals, and/or plans submitted with or contained within this application are true and correct to the best of my knowledge.

Bruce Bolton
SIGNATURE OF OWNER OR AGENT*

1-28-05
DATE

* Proof of owner's authorization is required with submittal if signed by agent.

ADDITIONAL VARIANCES

VARIANCE 2:

VARIANCE 3:

VARIANCE 4:

VARIANCE 5:

VARIANCE 6:

VARIANCE 7:

APPEAL FROM BOA DECISION TO BCC**APPELLANT INFORMATION**

NAME	
ADDRESS	
PHONE 1	
PHONE 2	
E-MAIL	

NATURE OF THE APPEAL

APPELLANT SIGNATURE

FOR OFFICE USE ONLY

PROCESSING:

FEE(S): 190.00 COMMISSION DISTRICT FLU / ZONING PD / PUD

BCC HEARING DATE (FOR APPEAL)

LOCATION FURTHER DESCRIBED AS

PLANNING ADVISOR DATE

SUFFICIENCY COMMENTS

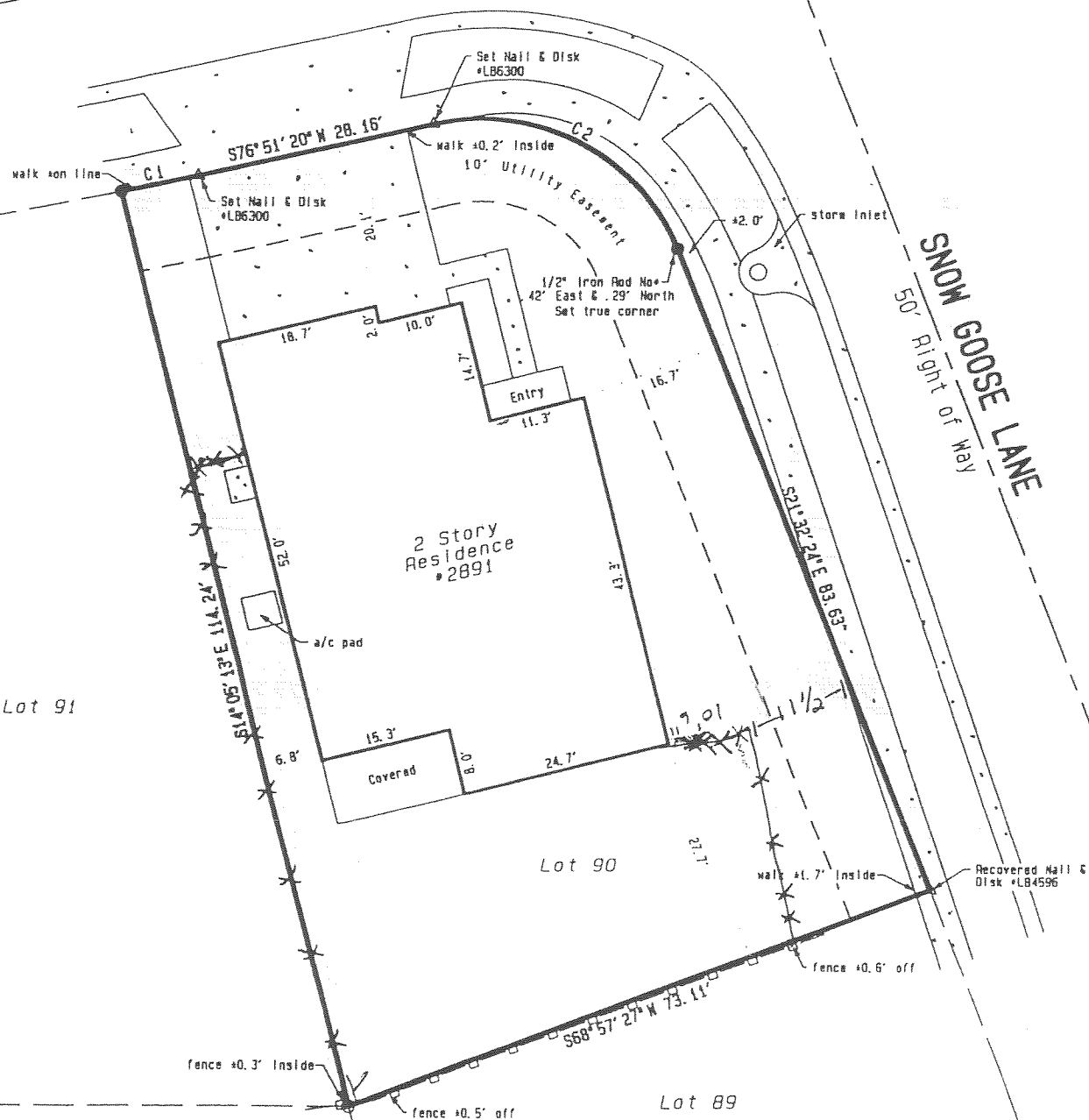
Boundary Survey for Bruce R. & Julie M. Bolton

RECEIVED

IAN 28 2005

Lot 90,
EGRET'S LANDING
Plat Book 54, Pages 96-99,
Seminole County, Florida

EGRET'S LANDING DRIVE
50' Right of Way



Lot 91

Lot 90

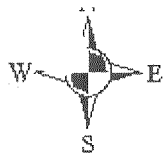
Lot 89

Lot 88

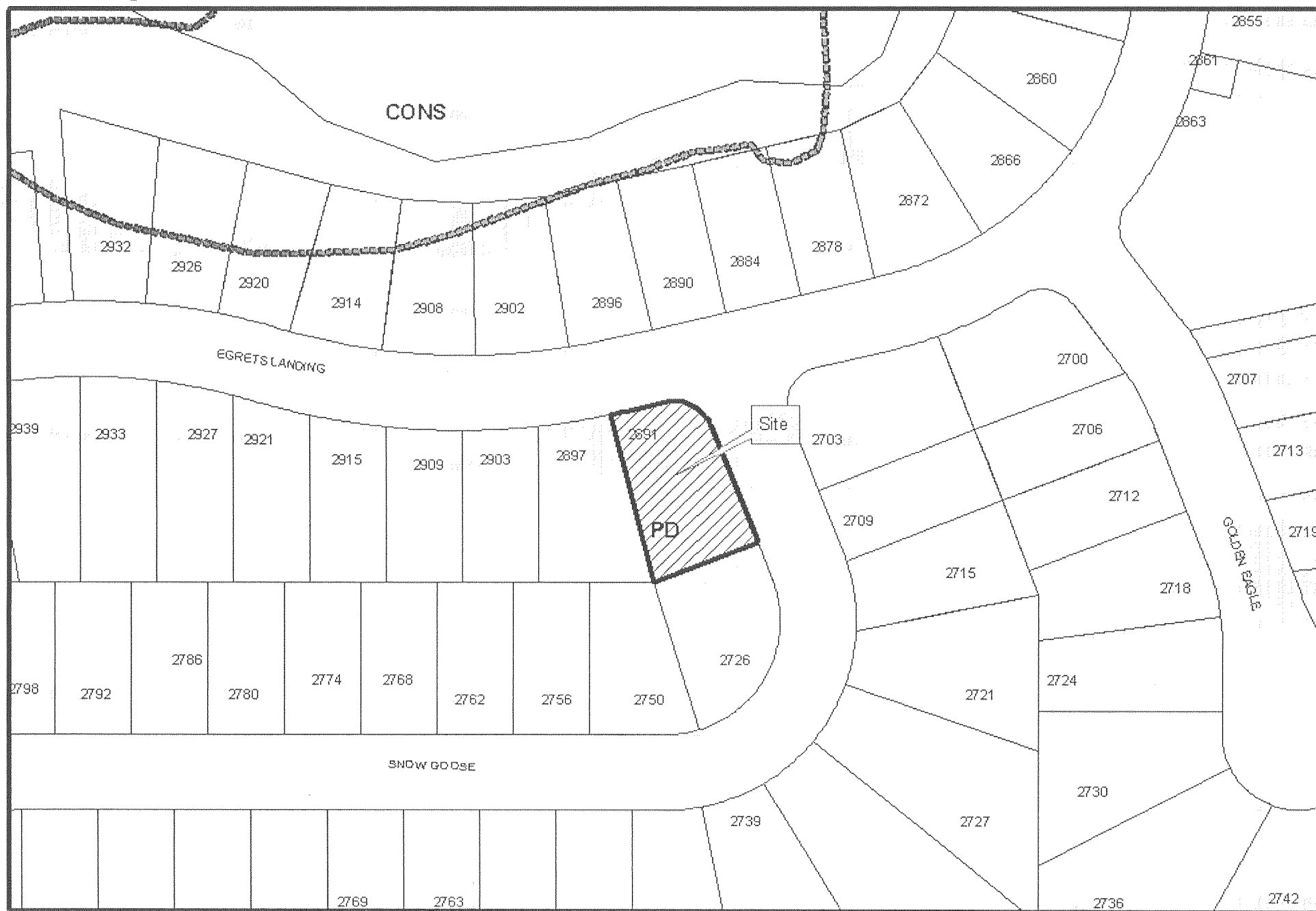
Legend

- = Recovered 4"x4" Concrete Monument.
- = Set 4"x4" Concrete Monument #LB6300
- ▲ = Nail & Disk as shown
- x = Recovered X Cut in concrete
- = Recovered 1/2" Iron Rod #LB4596
- = Set 1/2" Iron Rod #LB6300
- ◇ = Light Pole as shown

This Survey Certified To:
 Miller & South, P.A.
 American Pioneer Title Insurance Company
 Cendant Mortgage Corporation
 Bruce R. Bolton



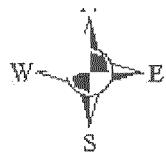
Bruce Bolton
2891 Egrets Landing Dr.
Lake Mary, FL 32746



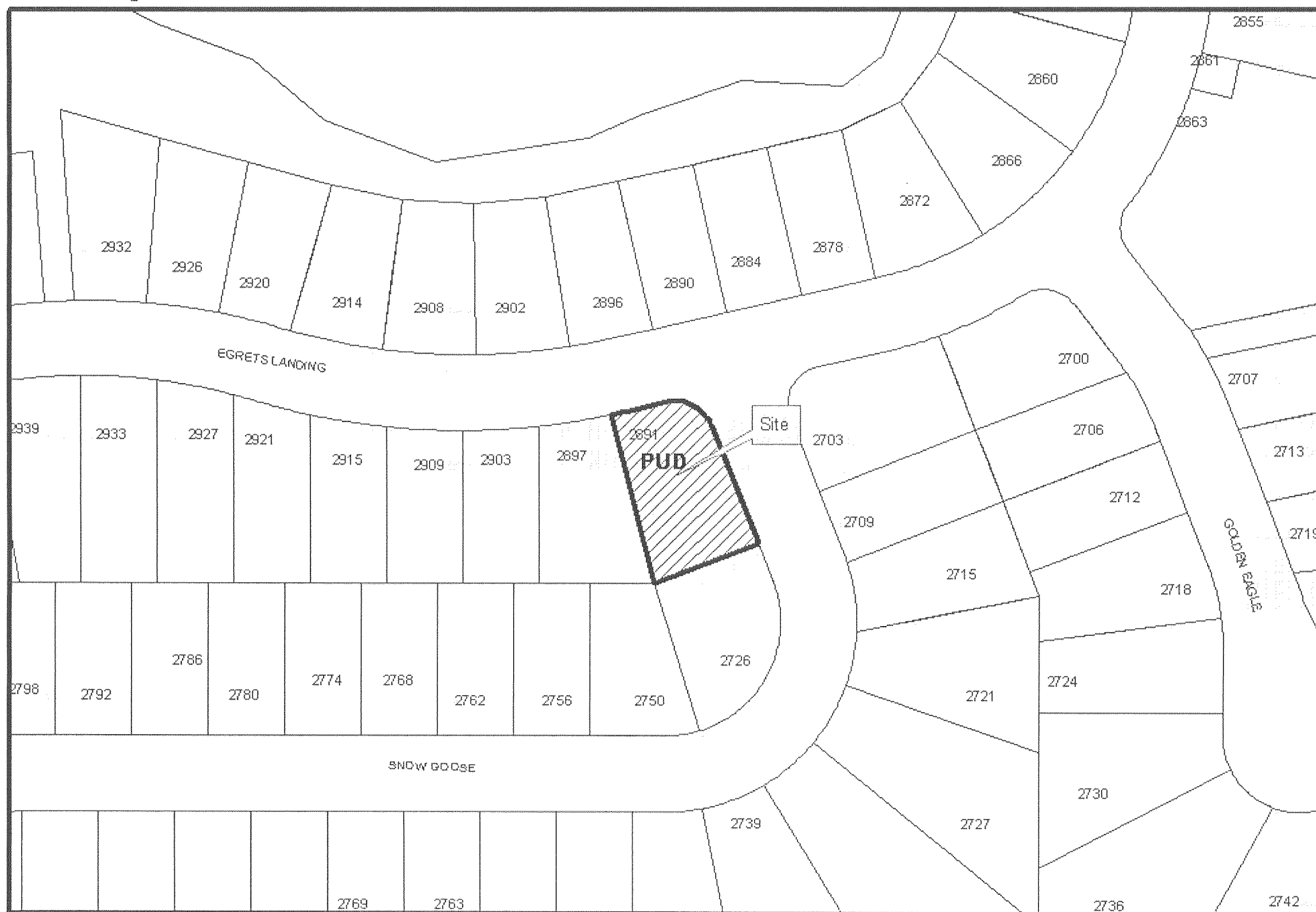
Parcel No: 03-20-30-5PB-0000-0900

BV2005-015

0 20 40 80 120 160 Feet



BRUCE BORTON
2891 Egrets Landing Dr.
Lake Mary, FL 32746



Parcel No: 03-20-30-5PB-0000-0900

BV2005-015

0 20 40 80 120 160 Feet

PARCEL DETAIL DAVID JOHNSON, CFA, ASA PROPERTY APPRAISER SEMINOLE COUNTY FL 1101 E. FIRST ST SANFORD, FL 32771-1468 407-665-7506																																																																	
GENERAL Parcel Id: 03-20-30-5PB-0000-0900 Tax District: 01-COUNTY-TX DIST 1 Owner: BOLTON BRUCE R & JULIE M Exemptions: 00-HOMESTEAD Address: 2891 EGRETS LANDING DR City,State,ZipCode: LAKE MARY FL 32746 Property Address: 2891 EGRETS LANDING DR LN LAKE MARY 32746 Subdivision Name: EGRETS LANDING Dor: 01-SINGLE FAMILY		2005 WORKING VALUE SUMMARY Value Method: Market Number of Buildings: 1 Depreciated Bldg Value: \$158,109 Depreciated EXFT Value: \$0 Land Value (Market): \$25,000 Land Value Ag: \$0 Just/Market Value: \$183,109 Assessed Value (SOH): \$179,565 Exempt Value: \$25,000 Taxable Value: \$154,565 Tax Estimator																																																															
SALES <table border="1"> <thead> <tr> <th>Deed</th> <th>Date</th> <th>Book</th> <th>Page</th> <th>Amount</th> <th>Vac/Imp</th> </tr> </thead> <tbody> <tr> <td>CORRECTIVE DEED</td> <td>11/2003</td> <td>05087</td> <td>1193</td> <td>\$100</td> <td>Improved</td> </tr> <tr> <td>WARRANTY DEED</td> <td>01/2001</td> <td>03996</td> <td>1397</td> <td>\$186,500</td> <td>Improved</td> </tr> <tr> <td>SPECIAL WARRANTY DEED</td> <td>04/2000</td> <td>03844</td> <td>1151</td> <td>\$175,500</td> <td>Improved</td> </tr> </tbody> </table> Find Comparable Sales within this Subdivision		Deed	Date	Book	Page	Amount	Vac/Imp	CORRECTIVE DEED	11/2003	05087	1193	\$100	Improved	WARRANTY DEED	01/2001	03996	1397	\$186,500	Improved	SPECIAL WARRANTY DEED	04/2000	03844	1151	\$175,500	Improved	2004 VALUE SUMMARY Tax Value(without SOH): \$2,686 2004 Tax Bill Amount: \$2,556 Save Our Homes (SOH) Savings: \$130 2004 Taxable Value: \$151,217 DOES NOT INCLUDE NON-AD VALOREM ASSESSMENTS																																							
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NOTE: Assessed values shown are NOT certified values and therefore are subject to change before being finalized for ad valorem tax purposes. *** If you recently purchased a homesteaded property your next year's property tax will be based on Just/Market value.																																																																	

COMMISSION DISTRICT #: 5

GUI ZONED: PUD SEC: 3, 10 TWP: 20 RNG: 30
 PROJ. #

DEVELOPMENT:		Egret's Landing (fka Chase Groves South Village) (Tracts JJ, LL, MM of F.M.P. for Chase Groves PUD)				DEVELOPER:		Lake Mary 32746				
LOCATION:		E side of Longwood-Lake Mary Road, S of Airport Boulevard						224 lots				
FILE#:		BA:		SP:		BCC:						
P&Z:												
PB	54	PG	96-99	Lot		Blk		Parcel				
								DBA				
								Comm Dist	5			
DEVEL. ORDER #:				TAX PAR. I.D. #:								
SIDEWALKS: 4' sidewalks both sides of internal streets.					SETBACK REQUIREMENTS							
					FY:	20'	SIDE ST.:	15'	SY:	5'	RY:	20'
ROAD TYPE: (CURB & GUTTER OR SWALE)					MAIN STRUCTURE OTHER:							
COMMENTS OTHER:					ACCESSORY STRUCTURE SETBACKS:							
1) Addressed to Lake Mary, Florida 32746					SY:					10'	RY:	10'
2) Minimum lot width: 55'; Minimum dwelling size: 700 sq. ft.; Minimum lot size: 5,000 sq. ft.; 45' at building line minimum lot width.												
3) The retention and conservation areas and their access shall be platted as tracts.					ACCESSORY STRUCTURE OTHER:							
					Attached: same as main building: rear 10'							
					Detached: same as main building not to project beyond the main residence, rear yard - 10'							

- 4) 6' chain link fence within 10' landscape easement for lots abutting Old Lake Mary Road and CSX RR corridor.
- 5) 6' masonry wall to be located within 15' of landscape easement with the exception of area adjacent to Tracts O and H.
- 6) Provide sidewalk easements around all cul-de-sacs to allow adequate room for utility and separation between sidewalk and curb.
- 7) Vegetation will be preserved within the 5' landscape easement except for minimal removal necessary for wall construction.
- 8) Side street driveways on corner lots are prohibited where the side street set back is 15'.

IMPACT FEES

SCREEN:	
TRAFFIC ZONE:	17
LAND USE:	1
1. ROAD-CO. WIDE	705.00
2. ROAD-COLL.	147.00
3. LIBRARY	54.00
4. FIRE	172.00
5. PARK	
6. SCHOOL	1,384.00
7. LAW	
8. DRAINAGE	200.00
TOTAL	\$2,657.00

REMARKS:

4' sidewalks both sides of internal streets.
 2' Miami curb typical

COMMITMENT CARD

Instructions: print two-sided on card stock and cut along the left and bottom border.



2/22/2005 10:43:56 AM

Case number	04	00000359
Property address, ID	2891 EGRETS LANDING DR	15830
Parcel ID	03-20-30-5PB-0000-0900	
Division Name	EGRETS LANDING	
Tenant name and number		

Case narrative

Constructed wood privacy fence without permits. Obtain all proper permits and schedule all required inspections by 051704.134/dv
Mailed NOV on 5/6/04. MC
Sent letter. Request for compliance.dv
7004 1350 0000 2168 8946
One attempt was made to deliver letter on 110304. Has not been returned.dv
Received letter on 011405.dv

5/01/04
5/01/04
5/01/04
5/07/04
10/30/04
10/30/04
12/22/04
12/22/04
1/18/05

OK

Exit

Cancel



2/22/2005 10:44:02 AM

Case number	04	00000359
Property address, ID	2891 EGRETS LANDING DR	15830
Parcel ID	03-20-30-5PB-0000-0900	
Division Name	EGRETS LANDING	
Tenant name and number		

Violation comments		
UNPERMITTED CONSTRUCTION - ACTIVE		
Constructed wood privacy fence without permits. Obtain all proper permits and schedule all required inspections by 051704.134/dv		5/01/04
		5/01/04
		5/01/04
Inspection comments		
001 - 1ST INSPECTION		
Request status		
Constructed wood privacy fence without permits. Obtain all proper permits and schedule all required inspections by		5/01/04
		5/01/04

OK Exit Cancel



2/22/2005 10:44:08 AM

Case number 04 00000359
 Property address, ID 2891 EGRETS LANDING DR 15830
 Parcel ID 03-20-30-5PB-0000-0900
 Division Name EGRETS LANDING
 Tenant name and number

051704.134/dv	5/01/04	*
002 - MISC CORRESPONDENCE		
Request status		
Mailed NOV on 5/6/04. MC	5/07/04	
003 - MISC NOTES		
Request status		
Sent letter. Request for compliance.dv	10/30/04	
7004 1350 0000 2168 8946	10/30/04	
Results status - INSPECTION COMPLETED		
One attempt was made to deliver letter on 110304. Has not	1/18/05	

OK

Exit

Cancel

2/22/2005 10:44:15 AM

Case number 04 00000359
Property address, ID 2891 EGRETS LANDING DR 15830
Parcel ID 03-20-30-5PB-0000-0900
Division Name EGRETS LANDING
Tenant name and number

been returned.dv	1/18/05
Received letter on 011405.dv	1/18/05
Board meeting comments	
Other action comments	
001 - FIELD NOTICE OF VIOLATION	
Constructed wood privacy fence without permits. Obtain all	5/01/04
proper permits and schedule all required inspections by	5/01/04
051704.134/dv	5/01/04
Land Management Information	
Legal Description	

OK

Exit

Cancel

SEMINOLE COUNTY APPROVAL DEVELOPMENT ORDER

On March 28, 2005, Seminole County issued this Development Order relating to and touching and concerning the following described property:

Lot 90, Egrets Landing, PB 54 PGS 96 to 99

(The aforescribed legal description has been provided to Seminole County by the owner of the aforescribed property.)

FINDINGS OF FACT

Property Owner: Bruce Bolton
2891 Egrets Landing Drive
Lake Mary, Fl. 32746

Site Address: 2891 Egrets Landing Drive

Requested Development Approval:

REQUEST FOR MINIMUM SIDE YARD SETBACK VARIANCE FROM 15 FEET TO 11.6 FEET FOR AN EXISTING FENCE IN THE PUD (PLANNED UNIT DEVELOPMENT DISTRICT)

The Development Approval sought is consistent with the Seminole County Comprehensive Plan and will be developed consistent with and in compliance to applicable land development regulations and all other applicable regulations and ordinances.

The owner of the property has expressly agreed to be bound by and subject to the development conditions and commitments stated below and has covenanted and agreed to have such conditions and commitments run with, follow and perpetually burden the aforescribed property.

Prepared by: Kathy Fall
1101 East First Street
Sanford, Florida 32771

Order

NOW, THEREFORE, IT IS ORDERED AND AGREED THAT:

- (1) The aforementioned application for development approval is **GRANTED**.
- (2) All development shall fully comply with all of the codes and ordinances in effect in Seminole County at the time of issuance of permits including all impact fee ordinances.
- (3) The conditions upon this development approval and the commitments made as to this development approval, all of which have been accepted by and agreed to by the owner of the property are as follows:

THE VARIANCE GRANTED SHALL APPLY ONLY TO THE EXISTING FENCE, AS DEPICTED ON THE ATTACHED SITE PLAN.

- (4) This Development Order touches and concerns the aforescribed property and the conditions, commitments and provisions of this Development Order shall perpetually burden, run with and follow the said property and be a servitude upon and binding upon said property unless released in whole or part by action of Seminole County by virtue of a document of equal dignity herewith. The owner of the said property has expressly covenanted and agreed to this provision and all other terms and provisions of this Development Order.
- (5) The terms and provisions of this Order are not severable and in the event any portion of this Order shall be found to be invalid or illegal then the entire order shall be null and void.

Done and Ordered on the date first written above.

By: _____
Matthew West
Planning Manager

STATE OF FLORIDA)
COUNTY OF SEMINOLE)

I HEREBY CERTIFY that on this day, before me, an officer duly authorized in the State and County aforesaid to take acknowledgments, personally appeared Matthew West who is personally known to me or who has produced _____ as identification and who executed the foregoing instrument.

WITNESS my hand and official seal in the County and State last aforesaid this _____ day of _____, 2005.

Notary Public, in and for the County and State
Aforementioned

My Commission Expires: